

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

21-04024 BKOBJ01
BROCK & SCOTT, PLLC
302 Fellowship Rd, Suite 130
Mount Laurel, NJ 08054
(844) 856-6646
Attorneys for Freedom Mortgage Corporation

In Re:

GILBERTO ESTRADA
DEBRA ESTRADA
A/K/A GILBERTO ESTRADA-VILLEDA

Case No: 21-11429-JNP

Hearing Date: July 21, 2021

Judge: JERROLD N.
POSLUSNY, JR

Chapter: 13

**OBJECTION TO CONFIRMATION
OF DEBTORS' CHAPTER 13 PLAN**

Freedom Mortgage Corporation ("Creditor"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtors' Chapter 13 Plan* (Doc 22), and states as follows:

1. The Debtors filed a voluntary petition pursuant to Chapter 7 of the Bankruptcy Code on February 23, 2021.
2. This Honorable Court entered an Order on May 11, 2021 converting this case to Chapter 13 of the Bankruptcy Code.
3. Creditor holds a security interest in the Debtors' real property located at 120 Ford Avenue, Woodbury, NJ 08096 (the "Property"), by virtue of a Mortgage.
4. The Debtors filed a Chapter 13 Plan (the "Plan") on May 13, 2021 (Doc 22), to which Creditor objects for the following reasons:
5. The Plan incorrectly lists Creditor as unaffected by the Plan in Section 4(f). Although Creditor has not yet filed its Proof of Claim, it is anticipated that the claim will include

pre-petition arrearage due to Creditor in the amount of \$1,625.74. The Plan does not propose any payment of the pre-petition arrearage and therefore is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5). Creditor objects to the confirmation of any plan which proposes to pay it anything less than \$1,625.74 as the pre-petition arrearage over the life of the plan.

6. The current monthly mortgage payment due on the subject Note and Mortgage should be included in Part 4(a) in the amount of \$1,295.17. Furthermore, the monthly payment is subject to periodic adjustments for escrow and/or for variable interest rates and must be amended during the pendency of the plan in accordance with the loan documents. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. § 1325(a)(5) and cannot be confirmed. Creditor objects to the Plan and to any plan which does not appropriately provide for the correct regular monthly mortgage payment.

WHEREFORE, Creditor respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Creditor as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/ Matthew Fissel
Matthew Fissel
(Bar No. 038152012)
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CERTIFICATION OF SERVICE

1. I, Aspen Copsis:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for BROCK & SCOTT, PLLC, who represents Freedom Mortgage Corporation in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On June 29, 2021, I sent a copy of the following pleadings and/or documents to the parties listed below:

OBJECTION TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: June 29, 2021

/s/ Aspen Copsis
Aspen Copsis

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
GILBERTO ESTRADA 120 FORD AVE WOODBURY, NJ 08096-5064	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
DEBRA ESTRADA 120 FORD AVE WOODBURY, NJ 08096-5064	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
BRENNER SPILLER & ARCHER 175 RICHEY AVE WEST COLLINGSWOOD, NJ 08107	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

<p>Isabel C Balboa Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, NJ 08002</p>	<p>Trustee</p>	<p><input type="checkbox"/> Hand-delivered</p> <p><input type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/RR</p> <p><input type="checkbox"/> E-mail</p> <p><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)</p> <p><input type="checkbox"/> Other _____ (as authorized by the court *)</p>
<p>U.S. Trustee Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102</p>	<p>Trustee</p>	<p><input type="checkbox"/> Hand-delivered</p> <p><input checked="" type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/RR</p> <p><input type="checkbox"/> E-mail</p> <p><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)</p> <p><input type="checkbox"/> Other _____ (as authorized by the court *)</p>

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.